



**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	
Inventors: Tomonori FUJISAWA et al.	: Confirmation No. 4988
	:
U.S. Patent Application No. 10/089,840	: Group Art Unit: 3714
	:
Filed: April 4, 2002	: Examiner: Binh-An D. Nguyen
For: PARTICIPANT SEARCH METHOD IN ONLINE GAME OR ONLINE CHAT, PARTICIPANT SEARCHING DEVICE, PARTICIPANT NETWORK SERVER, NETWORK TERMINAL, AND COMPUTER PROGRAM	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

May 29, 2007

FILING NOTICE OF APPEAL AND APPEAL BRIEF

The notice of appeal and appeal brief are filed herewith. A credit card authorization form in the amount of \$500.00 is attached for the notice of appeal and appeal brief.

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I. Real Party in Interest

The real party in interest is Kabushiki Kaisha Eighting.

II. Related Appeals and Interferences

There are no related appeals and/or interferences.

III. Status of Claims

Total Number of Claims in Application

1. There are a total of **11** claims in the application, which are identified as claims **1-11**.

Status of all the claims

2. Claims canceled - **3, 5, and 6**

3. Claims withdrawn from consideration but not canceled - **none**

4. Claims pending - **1, 2, 4, and 7- 11**

5. Claims allowed - **none**

6. Claims rejected - **1, 2, 4, and 7- 11**

Claims on Appeal

7. Claims on appeal are claims **1, 2, 4, and 7- 11**

IV. Status of Amendments

An after final amendment is filed herewith to obviate rejections under 35 U.S.C. 112, second paragraph. Specifically, the phrase "each of subscribers," as recited in claims 1 and 7, is replaced with the term "each of a group of subscribers," and the term "scribers," as recited in claims 2 and 4, is replaced by the

term "subscribers." Entry of the amendment is proper under 37 CFR §1.116 because the amendments place the application in better form for appeal and raise no new issues requiring further consideration.

V. Summary of Claimed Subject Matter

One or more embodiments of the present invention relate to a method and a participant search device used for an online game or online chatting performed on a network to which a network server and a plurality of network terminals are connected.

Fig. 4 illustrates a block diagram showing basic configurations of the adversary search system comprising a terminal A, a network server S, and a terminal B, respectively comprising a communication control section 100, a communication server section 200, and a communication control section 300.

As disclosed at page 10, lines 1-11, the communication control sections 100, 300 of terminal A and terminal B include an ID retaining section 112, 312 for retaining IDs assigned to subscribers from the network server S, and IP recording sections 113, 313, for temporally recording IP addresses assigned in the online mode from a provider to which each subscriber subscribes until connection to the network is disconnected.

Furthermore, as disclosed in page 10, lines 12-23, communications server section 200 includes a subscriber attribute storage section 215 for storing information for all of the subscribers, an ID storage section 216 for storing IDs of all subscribers, and an adversary, i.e., participant, selection section 217 for selecting subscribers satisfying conditions specified in a request from another of the subscribers with the attribute information stored in the subscriber attribute information storage section.

An automated adversary search method by the search processor is described starting at page 11, line 1 wherein the communication control section 100 at a terminal A sends information for conditions such as selection of a game or chatting, a name of a specific game, etc., via the input section 106 to the processing section according to an instruction by the control section 101 and is stored in the storage section 108. Then the self IP address of the subscriber stored in the IP recording section 113 and acquired upon the current connection and the information stored in the storage section 108 are sent to the transmission section 109 and are then transmitted as an adversary search signal 21 to the communication server section 200 in the network server S through the network as a medium from the input/output interface 105.

The information included in the search signal 21 is sent to the receiving section 210 in the communication server section 200 and is stored in storage section 208. Based on the search information and the stored subscriber attribute information in storage section 215, the adversary selection section 217 selects data concerning candidates for the adversary/adversaries.

As described at page 13, lines 13-21, data for the candidates is collated to the log-in data in the log-in monitoring section 218, and appropriate data for the candidates currently logging-in is screened out and transmitted to the transmission section 209 that transmits, according to an instruction from the control section 201, the adversary recruiting signal 22 from the input/output interface 205 to the IP address stored for each candidate. The IP address is collated to the subscriber ID stored in the ID storage section 216. Only an inter-field collation between the search information and the subscriber attribute information is required.

The log-in monitoring section 218 in the communication server section 200 always monitors subscribers currently logging-in to the network.

In addition, as disclosed on page 15, lines 16-24, a start signal 25, initiated by a terminal, enters the communication server section 200 and is sent to the log-in monitoring section 218 and is monitored until a terminal signal is received from the sending terminal.

Accordingly, based upon the above disclosure, a method of searching a participant or participants in an online game or online chatting in claim 1, comprises:

providing, to each of a group of subscribers, an ID retaining section (112) for retaining an ID to be assigned from a network server, an IP recording section (113) for temporally recording an IP address assigned, when connected to a network, from a provider in which each subscriber subscribes until connection to the network is disconnected, a transmission section (109) to the server, and a control section (101) connected to the ID retaining section, the IP recording section and the transmission section,

receiving participant search information from one of the subscribers in starting the online game or online chatting on the network to which a plurality of subscribers is connected with the network server as a core, said network server having a log-in monitoring section (218);

managing a channel and a relation between the ID and the IP address of all of the subscribers currently logging-in by the server (S);

collating attribute information concerning the subscribers stored in the server in response to the participant search information by the server;

selecting subscribers other than the one of the subscribers satisfying the participant search information in all the subscribers currently connected to the network by the server;

distributing participant recruiting information to the selected subscribers by the server;

upon acceptance to the participant recruiting information, transferring an IP address and an ID of an accepted subscriber through the transmission section to the server;

returning the participation acceptance information of the accepted subscriber to the one of the subscribers by the server; and

sending a start signal from the one of the subscribers to the log-in monitoring section (218), said log-in monitoring section monitoring until a termination signal is received from the one of the subscribers.

A participant search device in claim 2 is used for an online game or online chatting performed on a network to which a network server (S) and a plurality of network terminals (A, B) are connected. Each of the network terminals comprises an ID retaining section (112) for retaining an ID to be assigned from the network server, an IP recording section (113) for temporally recording an IP address assigned, when connected to the network, from a provider in which each subscriber subscribes until connection to the network is disconnected, a transmission section (109) to the server, and a control section (101) connected to the ID retaining section, the IP recording section and the transmission section, the IP address in the IP recording section and the ID in the ID retaining section in at least one of the subscribers being transferred to the server, upon receiving and acceptance to participant recruiting information, through the transmission section.

Said network server comprises:

a subscriber attribute information storage section (215) for storing attribute information for network subscribers;

an ID storage section (216) for storing therein IDs of the subscribers;

a participant selection section (217) for selecting subscribers satisfying conditions specified in a request from another of the subscribers with the attribute information stored in the subscriber attribute information storage section;

a transmission section (209) for transmitting the participant recruiting information to the selected subscribers connected to the network;

a control section (201) for receiving a start signal from the another of the subscribers after the another of the subscribers receives the acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and

a log-in monitoring section (218) for receiving the start signal through the transmission section of the server and managing a relation between the ID and the IP address of all of the subscribers currently logging-in and a channel until a termination signal is received from the one of the subscribers.

A network server in claim 4 has a communication server section for searching a participant or participants in an online game or online chatting. The communication server section comprises:

a subscriber attribute information storage section (215) for storing therein attribute information for network subscribers;

an ID storage section (216) for storing therein subscribers' IDs;

a participant selection section (217) for selecting the subscribers satisfying the attribute information having been stored in the subscriber attribute information storage section in response to a demand from another of the subscribers;

a transmission section (209) for transmitting participant recruiting information to the selected subscribers connected to a network;

a control section (201) for receiving a start signal from the another of the subscribers after the another of the subscribers

receives acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and

a log-in monitoring section (218) for managing a relation between an ID and an IP address of all of the subscribers currently logging-in and a channel until a termination signal is received from the one of the subscribers.

In claim 7, a computer program for a network server embedded in a computer readable medium for searching a participant or participants in an online game or online chatting comprises the steps of:

retaining an ID (112)) to be assigned from a network server in each of a group of subscribers;

temporally recording an IP address (113) in each of the subscribers, said IP address being assigned, when connected to a network, from a provider in which each subscriber subscribes until connection to the network is disconnected;

managing a channel and a relation between the ID and the IP address of all of subscribers currently logging-in;

receiving participant search information from one of the subscribers connected to the network in starting the online game or online chatting on the network to which a plurality of the subscribers is connected with the network server as a core;

collating the participant search information to attribute information for the network subscribers stored in the server and selecting other subscribers currently connected to the network;

distributing participant recruiting information to the other subscribers connected to the network;

transferring the IP address and the ID in the another of the subscribers to the server, upon acceptance to the participant recruiting information by the another of the subscribers;

returning the participation acceptance information for the another of the subscribers to the one of the subscribers; and

sending a start signal from the one of the subscribers to a log-in monitoring section (218) of the server, said log-in monitoring section monitoring until a termination signal is received from the one of the subscribers.

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 1, 2, 4, and 7-11 are patentable under 35 U.S.C. §102(e) over Bunney et. al. (U.S. Patent 6,446,112)

VII. Argument

The rejection of claims 1, 2, 4, and 7-11 under 35 U.S.C. §102(e) as being anticipated by Bunney et al. ("Bunney") is respectfully traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently.

Claim 1

There are at least two reasons Bunney fails to anticipate the subject matter of claim 1.

First, independent claim 1 recites wherein the method provides, to each of a group of subscribers, an ID retaining section for retaining an ID to be assigned from a network server. Bunney fails to disclose this feature.

Fig. 3 of Bunney, and column 9, lines 34-56, appear to disclose only that a plurality of addresses can be assigned to one server. Nowhere does Bunney suggest each of a group of subscribers being provided an ID retaining section for retaining an ID.

Second, claim 1 recites "distributing participant recruiting information to the selected subscribers by the server. . . ." The Examiner asserts that Bunney, at column 4, line 37 - column 5, line 8, discloses this feature. Appellants respectfully disagree.

At the cited passage, Bunney appears to only disclose wherein a user communicates with the service and other users. Although a Session Manager is disclosed that connects to a data base of members, and a Profile Manager maintains a database of user profiles, nowhere does Bunney disclose distributing participant recruiting information to the selected subscribers, as recited by Appellants.

Claim 1 further recites wherein a server manages "a channel and a relation between the ID and the IP address of all of the subscribers currently logging-in by the server." Bunney likewise fails to disclose this feature.

At column 5, lines 34-41, Bunney discloses that "[t]he databases 10, 11 can contain sensitive private information about members. Security will be implemented by isolating the process servers 8, 9 on a network having an IP address of the form 10.x.x.x. Routers 12 cannot connect directly to such a network. Instead, the network 2 is connected to a hub 15 connected to a bridge 14 which in turn connects to another hub 13. The hub 15 is on a network 2 to which routers 12 can connect."

Therefore, unlike the Appellants method that recites wherein the IP address, ID and the channel are controlled by the servers,

Bunney discloses wherein the IP address of the user is not controlled when passing through the bridge 14.

Accordingly, Bunney does not disclose, teach or suggest each and every limitation recited in claim 1, and therefore, the rejection of claim 1 under 35 U.S.C. §102(e) is improper. Appellants respectfully submit, therefore, that independent claim 1 is patentable over Bunney and the rejection should be reversed.

Claim 2

Claim 2 recites, *inter alia*, "a participant search device used for an online game or online chatting performed on a network to which a network server and a plurality of network terminals are connected, wherein each of the network terminals comprises an ID retaining section for retaining an ID to be assigned from the network server." Bunney fails to disclose this feature.

At column 4, line 37 - column 5, line 8, Bunney appears to only disclose wherein a user communicates with the service and other users. Although a Session Manager is disclosed that connects to a data base of members, a Profile Manager maintains a database of user profiles, and a FYI Server searches for information that the user has requested based on explicitly provided search parameters and information in the user's profile, nowhere does Bunney disclose distributing participant recruiting information to the selected subscribers, as recited in claim 2.

Accordingly, because Bunney does not disclose, teach or suggest each and every limitation recited in claim 1, the rejection of claim 2 under 35 U.S.C. §102(e) is improper. Appellants respectfully submit, therefore, that independent claim 2 is patentable over Bunney and the rejection should be reversed.

Claim 4

Claim 4 recites "a network server having a communication server section for searching a participant or participants in an online game or online chatting, wherein the communication server section comprises ... a transmission section for transmitting participant recruiting information to the selected subscribers connected to a network." Bunney fails to disclose, teach, or suggest this feature.

As previously argued, Bunney appears to only disclose, at column 4, line 37 - column 5, line 8, wherein a user communicates with the service and other users. Although a Session Manager is disclosed that connects to a data base of members, a Profile Manager maintains a database of user profiles, and a FYI Server searches for information that the user has requested based on explicitly provided search parameters and information in the user's profile, nowhere does Bunney disclose a transmission section for transmitting participant recruiting information to the selected subscribers connected to a network.

Accordingly, because Bunney does not disclose, teach or suggest each and every limitation recited in claim 4, the rejection of claim 4 under 35 U.S.C. §102(e) is improper. Appellants respectfully submit, therefore, that independent claim 4 is patentable over Bunney and the rejection should be reversed.

Claim 7

Claim 4 recites, *inter alia*, a computer program for a network server embedded in a computer readable medium for searching a participant or participants in an online game or online chatting comprising the step of "retaining an ID to be assigned from a network server in each of a group of subscribers. . . ."

Appellants respectfully submit that Bunney fails to suggest this feature.

As presented above, Bunney appears to only disclose, at column 4, line 37 - column 5, line 8, wherein a user communicates with the service and other users using a Session Manager that connects to a data base of members, a Profile Manager maintains a database of user profiles, and a FYI Server searches for information that the user has requested based on explicitly provided search parameters and information in the user's profile. Further, Fig. 3 and column 9, lines 12-56, only disclose possible addresses stored on the server for each user. Nowhere does Bunney disclose a transmission section for transmitting participant recruiting information to the selected subscribers connected to a network.

Accordingly, because Bunney does not disclose, teach or suggest each and every limitation recited in claim 7, the rejection of claim 7 under 35 U.S.C. §102(e) is improper. Appellants respectfully submit, therefore, that independent claim 7 is patentable over Bunney and the rejection should be reversed.

Claims 8-11

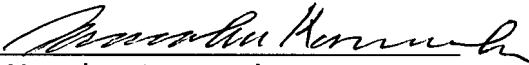
Claims 8-11 depend variously, either directly or indirectly, from independent claims 1, 2, 4, and 7, include further limitations, and are patentable over Bunney for at least the reasons advanced above with respect to claims 1, 2, 4, and 7, respectively. The rejection of claims 8-11 is respectfully requested to be reversed.

VIII. Conclusion

For at least the forgoing reasons, reversal of the rejection of claims 1, 2, 4 and 7-11 under 35 U.S.C. §102(e) over Bunney is in order.

Respectfully submitted,

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IX. Claims Appendix

1. A method of searching a participant or participants in an online game or online chatting, comprising:

providing, to each of a group of subscribers, an ID retaining section for retaining an ID to be assigned from a network server, an IP recording section for temporally recording an IP address assigned, when connected to a network, from a provider in which each subscriber subscribes until connection to the network is disconnected, a transmission section to the server, and a control section connected to the ID retaining section, the IP recording section and the transmission section,

receiving participant search information from one of the subscribers in starting the online game or online chatting on the network to which a plurality of subscribers is connected with the network server as a core, said network server having a log-in monitoring section;

managing a channel and a relation between the ID and the IP address of all of the subscribers currently logging-in by the server;

collating attribute information concerning the subscribers stored in the server in response to the participant search information by the server;

selecting subscribers other than the one of the subscribers satisfying the participant search information in all the subscribers currently connected to the network by the server;

distributing participant recruiting information to the selected subscribers by the server;

upon acceptance to the participant recruiting information, transferring an IP address and an ID of an accepted subscriber through the transmission section to the server;

returning the participation acceptance information of the accepted subscriber to the one of the subscribers by the server; and

sending a start signal from the one of the subscribers to the log-in monitoring section, said log-in monitoring section monitoring until a termination signal is received from the one of the subscribers.

2. A participant search device used for an online game or online chatting performed on a network to which a network server and a plurality of network terminals are connected,

wherein each of the network terminals comprises an ID retaining section for retaining an ID to be assigned from the network server, an IP recording section for temporally recording an IP address assigned, when connected to the network, from a provider in which each subscriber subscribes until connection to the network is disconnected, a transmission section to the server, and a control section connected to the ID retaining section, the IP recording section and the transmission section, the IP address in the IP recording section and the ID in the ID retaining section in at least one of the subscribers being transferred to the server, upon receiving and acceptance to participant recruiting information, through the transmission section, and

wherein said network server comprises:

a subscriber attribute information storage section for storing attribute information for network subscribers;

an ID storage section for storing therein IDs of the subscribers;

a participant selection section for selecting subscribers satisfying conditions specified in a request from another of the subscribers with the attribute information stored in the subscriber attribute information storage section;

a transmission section for transmitting the participant recruiting information to the selected subscribers connected to the network;

a control section for receiving a start signal from the another of the subscribers after the another of the subscribers receives the acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and

a log-in monitoring section for receiving the start signal through the transmission section of the server and managing a relation between the ID and the IP address of all of the subscribers currently logging-in and a channel until a termination signal is received from the one of the subscribers.

4. A network server having a communication server section for searching a participant or participants in an online game or online chatting, wherein the communication server section comprises:

a subscriber attribute information storage section for storing therein attribute information for network subscribers;

an ID storage section for storing therein subscribers' IDs;

a participant selection section for selecting the subscribers satisfying the attribute information having been stored in the subscriber attribute information storage section in response to a demand from another of the subscribers;

a transmission section for transmitting participant recruiting information to the selected subscribers connected to a network;

a control section for receiving a start signal from the another of the subscribers after the another of the subscribers receives acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and

a log-in monitoring section for managing a relation between an ID and an IP address of all of the subscribers currently logging-in and a channel until a termination signal is received from the one of the subscribers.

7. A computer program for a network server embedded in a computer readable medium for searching a participant or participants in an online game or online chatting comprising the steps of:

retaining an ID to be assigned from a network server in each of a group of subscribers;

temporally recording an IP address in each of the subscribers, said IP address being assigned, when connected to a network, from a provider in which each subscriber subscribes until connection to the network is disconnected;

managing a channel and a relation between the ID and the IP address of all of subscribers currently logging-in;

receiving participant search information from one of the subscribers connected to the network in starting the online game or online chatting on the network to which a plurality of the subscribers is connected with the network server as a core;

collating the participant search information to attribute information for the network subscribers stored in the server and selecting other subscribers currently connected to the network;

distributing participant recruiting information to the other subscribers connected to the network;

transferring the IP address and the ID in the another of the subscribers to the server, upon acceptance to the participant recruiting information by the another of the subscribers;

returning the participation acceptance information for the another of the subscribers to the one of the subscribers; and

sending a start signal from the one of the subscribers to a log-in monitoring section of the server, said log-in monitoring section monitoring until a termination signal is received from the one of the subscribers.

8. The method of searching according to claim 1, wherein said managing the channel and the relation includes managing a channel and a relation between servers.

9. The computer program according to claim 7, wherein said managing the channel and the relation includes managing a channel and a relation between servers.

10. The method of searching a participant or participants according to claim 1, wherein search for the participant or participants is automated when starting the online game or online chatting.

11. The computer program according to claim 7, wherein search for the participant or participants is automated when starting the online game or online chatting.

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X. Evidence Appendix

None.

XI. Related Proceedings Appendix

None.